

FILED '08 SEP 12 17:03 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JAMES CARR,

Plaintiff ,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civ. No. 07-1181-TC

ORDER

Coffin, Magistrate Judge:

Before the court is plaintiff's motion for Equal Access to Justice Act ("EAJA") fees pursuant to 28 U.S.C. § 2412(d). On May 21, 2008, this court issued an order reversing and remanding the final decision of the Commissioner for further proceedings on the ground that the ALJ erred in her determination that plaintiff did not have a severe impairment at step two of the evaluation. The order directed the Commissioner to develop the record regarding the etiology of plaintiff's chest pain. The Commissioner objects to plaintiff's request for attorney fees

1 under the EAJA, arguing that its position was substantially
2 justified.

3 This court does not find defendant's argument persuasive.
4 It is hereby ordered that attorney fees in the amount of
5 \$8,739.15 shall be awarded to plaintiff's attorney, Rory J.
6 Linerud.

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8 Dated this 12th day of September, 2008.

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12 THOMAS M. COFFIN
13 United States Magistrate Judge
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